

[Submitting Counsel on Signature Page]

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**IN RE JUUL LABS, INC.,
MARKETING, SALES PRACTICES,
AND PRODUCTS LIABILITY
LITIGATION**

Case No. 19-md-02913-WHO

**JOINT AMENDED STIPULATION AND
[PROPOSED] SECOND AMENDED ORDER
REGARDING CASE SCHEDULE**

This Document Relates to:

***San Francisco Unified School District v.
Juul Labs, Inc. et al.*, Case No. 3:19-cv-
08177**

WHEREAS, on January 6, 2023, the parties filed a Joint Stipulation and Proposed Order Regarding Case Schedule (ECF No. 3740), which the Court granted as amended with additional guidance for the parties (ECF No. 3743);

WHEREAS, the parties have continued conferring in light of the Court's guidance and reached additional agreements regarding deposition designations, exhibit lists, and other pretrial matters;

WHEREAS, in order to most effectively apply the Court's guidance on designations issues and streamline remaining objections, the parties request that the Court consider ruling on the parties' priority briefing seeking review of certain recommended designations rulings, submitted at ECF Nos. 3594, 3595, 3617, and 3618, at the Court's earliest convenience. The parties defer to the Court as to whether oral argument would be helpful or if the Court would prefer to rule on the papers. If the Court wishes to hear argument, the parties will be prepared to address these issues at the Court's convenience,

including at the January 20 case management conference;

WHEREAS, in order to promote the efficient exchange of pretrial information and to further streamline materials for the Court's review, the parties agree to stipulate to the revised Pretrial Schedule set forth below.¹

NOW, THEREFORE, the parties, through their undersigned counsel and subject to the Court's approval, hereby stipulate, agree, and respectfully request that the Court enter the following schedule:²

	EVENT	DATE
Key Dates	• Amended Joint Pretrial Statement	February 24, 2023
	• Pretrial Conference	March 10, 2023
	• Trial	April 17, 2022
Witness Lists	• Plaintiff's Witness List	January 9, 2023 (completed)
	• Defendants' Witness List	January 13, 2023 by 5pm EST
Briefing Regarding Appropriate Trial Length and Scope	• Parties exchange drafts of briefs, no more than 6 double-spaced pages per side	January 16, 2023 at Noon PST
	• Parties file briefs, no more than 6 double-spaced pages per side to be heard at January case management conference	January 18, 2023
Priority and Supplemental	• Hearing on Priority Briefing (Round 1) already	January 20, 2023.

¹ This schedule assumes that the SFUSD case proceeds to trial in April 2023. The Altria Defendants reserve the right to argue that it would not be appropriate to try the SFUSD case at that time, and the Plaintiff reserves the right to object and does in fact object to moving the trial date.

² The Parties submit this proposed order without prejudice to their positions concerning the propriety of additional pretrial deadlines, including but not limited to those for renewed or additional summary judgment motions based on, including but not limited to, Plaintiff's settlement with JLI and other defendants, which may be subject to disclosure of the final settlement agreement to Altria. Plaintiff's position: the time for summary judgment motions has passed.

	EVENT	DATE
Briefing of Special Master's Recommended Deposition Designation Rulings³	<p>completed⁴</p> <ul style="list-style-type: none"> Supplemental briefing regarding rulings for SFUSD witnesses already reviewed by Special Master (Round 2) Final round (Round 3) of supplemental briefing limited to rulings for newly added testimony to be reviewed by Special Master 	<p>To be filed, if necessary, after receiving the Court's rulings on priority briefing. The parties will meet and confer regarding schedule and page limits on Round 2.</p> <p>To be filed, if necessary, after receiving the Court's rulings on priority briefing and the Special Master's rulings on newly added testimony for SFUSD. The parties will meet and confer regarding schedule and page limits on Round 3</p>
Motions in Limine	<ul style="list-style-type: none"> Exchange list of previously filed MILs in B.B. or SFUSD where parties seek ruling from the Court; identify which motions, if any, the parties agree to deem as filed or intend to re-brief and why Meet and confer regarding limits and schedule for new MILs Hearing on <i>in-limine</i> motions at PTC 	<p>January 20, 2023</p> <p>Week of January 23, 2023</p> <p>March 10, 2023</p>
Deposition Designations and Excerpts from Interrogatory Answers, Requests for	<p>The parties will meet and confer regarding a joint proposed schedule for the exchange and review of deposition designations after receiving the Court's rulings on the priority briefing already completed (Round 1), in order to most effectively apply those rulings and streamline remaining objections.</p> <p>The parties agree that any witness (1) not previously ruled on by the Special Master, or (2) with more than 15 minutes of newly added testimony requiring</p>	

³ The parties reserve the right to raise any additional challenges to the recommended rulings of "Likely Call" witnesses in the final spreadsheets submitted to the Court. Any challenges the Parties do not raise or the Court does not resolve through the priority or supplemental briefing will be heard 48 hours prior to the deposition being played at trial, unless otherwise determined by the Court or as otherwise agreed by the parties. *See* ECF No. 3506.

⁴ ECF Nos. 3594, 3595, 3617, and 3618.

	EVENT	DATE
Admissions	review, will be submitted to the Special Master in the first instance. Witnesses with fewer than 15 minutes of newly added testimony will be submitted to the Court directly.	
Exhibit Lists^{5 6}	<ul style="list-style-type: none"> • Exchange List Exchange⁷ <ul style="list-style-type: none"> ○ Identify 425 Priority Exhibits⁸ <ul style="list-style-type: none"> ▪ Objections to Priority Exhibits ▪ Meet and Confer over Priority Exhibits ▪ File with Amended Joint Pretrial Statement 	January 30, 2023
		January 30, 2023
		February 6, 2023
		Week of February 13, 2023
		February 24, 2023
Jury Instructions / Verdict Form	<ul style="list-style-type: none"> • Parties to meet and confer to discuss the scope of changes from previously filed instructions • Plaintiff provides provided updated draft of previously filed instructions. • Defendants provide revisions and additions. 	Week of January 16, 2023 January 23, 2023 February 6, 2023

⁵ Exhibit Lists need not include demonstratives and cross-examination, impeachment, or rebuttal exhibits.

⁶ Exhibit disputes to be heard at Pretrial Conference and or subsequent hearings. The parties will meet and confer on a format for the submission of exhibit and deposition designations disputes in advance of trial.

⁷ The parties reserve all rights to make reasonable supplements to their exhibit lists, and to object to the other party's supplements if necessary.

⁸ The parties agree that there will be no additional waves of priority exhibits exchanged.

	EVENT	DATE
	<ul style="list-style-type: none">• Meet and confer• Final filed with Amended Joint Pretrial Statement	Week of February 13, 2023 February 24, 2023
Juror Questionnaires	Completed. <i>See</i> ECF Nos. 3170 at 2; 3067-01 (Exhibit A)	

Dated: January 11, 2023

Respectfully submitted,

By: /s/ Beth A. Wilkinson

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**UNITED STATES DISTRICT COURT
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08177**

The Court hereby adopts the Parties' Stipulation and **ORDERS** that the following stipulated schedule:

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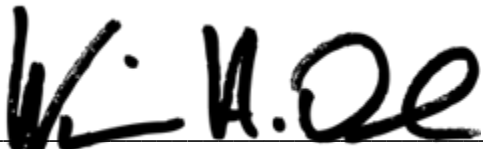
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Juror Questionnaires	Completed. <i>See</i> ECF Nos. 3170 at 2; 3067-01 (Exhibit A)	

Date: January 17, 2023


 HONORABLE WILLIAM H. ORRICK
 United States District Judge